

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

FREDERICK NELSON, JR.,

: Case No. 3:17-cv-62

Petitioner,

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Chillicothe Correctional
Institution,

:

Respondent.

DEFICIENCY ORDER

This case is before the Court on Petitioner's filing of a Notice of Appeal (ECF No. 21) which was not accompanied by the appellate filing fee of \$505.00.

Pursuant to *McGore v. Wigglesworth*, 114 F. 3d 601 (1997), it is hereby ORDERED that Petitioner pay the filing fee of \$505.00 not later than October 31, 2017, to the Clerk of this Court, **OR** file by that date with the Sixth Circuit a motion to proceed on appeal *in forma pauperis*.

Failure to pay the filing fee or file a motion to proceed *in forma pauperis* with supporting documents with the Sixth Circuit (1) may result in dismissal of the appeal for failure to prosecute and (2) will result in this Court's assessing the entire filing fee against Petitioner. If the appeal is dismissed for failure to prosecute, it will not be reinstated despite subsequent payment or filing of the *in forma pauperis* application.

The Clerk shall certify a copy of this Order to the Sixth Circuit Court of Appeals.

October 12, 2017.

s/ Michael R. Merz
United States Magistrate Judge